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REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Address to:
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Application Number	10/443,692 10/664,634
Filing Date	09/19/2003
First Named Inventor	Ardern
Art Unit	3611
Examiner Name	Hoge
Attorney Docket Number	ARD-101US

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
- a. ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- ii. ☐ Other _____
- b. ☒ Enclosed
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☒ Information Disclosure Statement (IDS)
- iv. ☒ Other Supplement to Request for RCE
2. **Miscellaneous**
- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other _____
3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
- a. ☒ The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments to Deposit Account No. 10-0270. I have enclosed a duplicate copy of this sheet.
- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other _____
- b. ☐ Check in the amount of \$ _____ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)
- WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature	<i>John E. Munger</i>	Date	November 17, 2005
Name (Print / Type)	John E. Munger	Registration No.	37,685

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature		Date	
Name (Print / Type)			

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

William B. Ardern II

Attorney Docket No. ARD-101US

Serial No. 10/664,634

Group Art Unit: 3611

Filed: September 19, 2003

Examiner: Gary Chapman Hoge

Title: BINDER CLIP SLEEVE

* * * * *

November 17, 2005

MAIL STOP PETITIONS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**SUPPLEMENT TO
REQUEST FOR CONTINUED EXAMINATION
37 C.F.R. §1.114**

Sir:

Continued examination is requested in view of the following remarks.

Remarks

Claims 1-15 and 17-26 are currently pending and are allowed. Claim 16 is cancelled. An amendment under 37 C.F.R. § 1.312 was filed October 17, 2005. Entry of such Rule 312 amendment is requested. The issue and publication fees were paid on October 20, 2005.

Applicant has requested that the captioned application be withdrawn from issuance and examination continued because of new art information which has come to Applicant's attention in connection with Applicant's co-pending U.S. Patent Application Serial Nos. 29/190,249 and 29/190,250. The art information became known to counsel for Applicant after the issue/publication fees in the captioned application were paid.

Applicant requests a refund of the \$700 issue fee and \$300 publication fee authorized for payment on October 20, 2005. Kindly credit Deposit Account No. 10-0270 for the amount of such fees.

An information disclosure statement including the art information from the design applications and additional information provided for completeness accompanies this RCE. Return of the initialed Form 1449 would be appreciated to confirm that such information has been considered.


Regarding U.S. Patent No. D479,146 (Manley) (the "'146 patent"), Applicant's claimed invention is unlike the money clip design shown therein at least because such money clip does not teach or suggest the concept of displaying indicia on one or more panels of a binder clip sleeve as is the case in Applicant's invention (Independent claims 1, 15 and 23 and dependent claim 21), does not teach any self-supporting binder clip sleeve (claims 4, 15), does not teach any particular means of engagement/attachment (claims 5, 7, 11, 17, 19) or materials (claims 6, 8, 9, 18), or means of forming (claims 12, 13) or use of light-transmissive sleeves (claims 14, 22). And, the '146 patent does not teach any method of affixing indicia to a binder clip as in claims 23-26.

Applicant requests that all claims be allowed and that a new Notice of Allowance be issued.

Applicant respectfully submits that issuance of an office action is unnecessary in view of the foregoing remarks. However, if such an office action is issued, then it is submitted that such an action should be a non-final in view of the fact that new art information is being submitted.

The Examiner is invited to call the undersigned if that would be of assistance in resolving any outstanding issue regarding this application. The Commissioner is authorized to charge all fees due in connection with this RCE to Deposit Account No. 10-0270. Kindly notify the undersigned in the event that the deposit account is debited or credited.

Respectfully submitted,

By  November 17, 2005
John E. Munger
Registration No. 37,685

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